

EEOICPA BULLETIN NO.02-28

Issue Date: September 10, 2002

Effective Date: September 5, 2002

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Subject: Tonsil Cancer as a Specified Primary Cancer

Background: The National Office recently reviewed the medical evidence in a case file to determine if, for purposes of being considered a specified cancer under the EEOICPA, tonsil cancer can be considered pharynx cancer.

The DOL Interim Final Regulations, 20 CFR 30, states in Section 30.5(dd)(6) that the "specified cancers" in this section mean "the physiological condition or conditions that are recognized by the National Cancer Institute under those names or nomenclature, or under any previously accepted or commonly used names or nomenclature." The information on the National Cancer Institute website (http://cis.nci.nih.gov/fact/6_37.htm) indicates that the pharynx has three parts. One of these parts is the oropharynx, which includes "the soft palate (the back of the mouth), the base of the tongue, and the tonsils." Based on this definition from NCI, we consider that a cancer of the tonsils is a cancer of the pharynx. As the tonsils are part of the pharynx, tonsil cancer should be considered a specified cancer for SEC cases.

Reference: Energy Employees Occupational Illness Compensation Program Act of 2000, As Amended, 42 U.S.C. § 7384 *et seq.*, Sections 7384l(9), (14) and (17); 20 CFR 30, Section 30.5(dd)(6); and the NCI website (http://cis.nci.nih.gov/fact/6_37.htm).

Purpose: To notify District Offices that cancer of the tonsils is considered a pharynx cancer, which is a specified primary cancer for eligible SEC claimants under the EEOICPA.

Applicability: All staff.

Actions:

1. The CE should consider tonsil cancer as a pharynx cancer, which is a specified primary cancer per EEOICPA Section 73841(17) and the DOL Interim Final Regulations, 20 CFR 30.5(dd)(4), in determining eligibility for members of the Special Exposure Cohort (SEC).
2. The CE should look for any other cases with this type cancer that could be eligible as members of the SEC. A preliminary review of the ECMS, searching for ICD-9 codes 146 and 146.0, identified six claims at SEC sites.
3. The CE should review all incoming SEC claims for this condition. If found, and all other relevant SEC criteria have been met, issue a Recommended Decision for acceptance of the claim as pharynx cancer.
4. The CE should continue to distinguish tonsil cancer from pharynx cancers using the appropriate ICD-9 codes on all paperwork and in ECMS. For example, the ICD-9 code for a malignant neoplasm of the tonsil is 146.0, and for the three parts of the pharynx it is 146 for the oropharynx, 147 for the nasopharynx, and 148 for the hypopharynx.

Disposition: Retain until incorporated in the Federal (EEOICPA) Procedure Manual

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